

REMARKS

A. Status of the Application

- Claims 23 to 51 are pending in the application, of which claims 23 and 39 are independent claims.
- Claims 23, 25 to 27, 31, 33, 34, 38 to 42, 44, 46, and 48 to 51 are amended.
- Claims 1 to 22 are cancelled.

Accordingly, entry of the amendments is respectfully requested. Applicants have amended the claims to recite particular embodiments that Applicants, in their business judgment, have determined to be commercially desirable at this time. The claim amendments have not been submitted for any reasons relating to patentability.

Applicants intend to pursue the subject matter of the previously cancelled claims, in one or more continuing applications.

B. Allowable Subject Matter

On page 8, the Office Action states that:

Claims 23-51 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph and 35 U.S.C. 101 rejections, set forth in this Office action.

As reflected in the claim amendments and arguments set forth below, Applicants believe to have sufficient grounds for overcoming the § 112 and § 101 rejections, set forth by the Office Action. Therefore, Applicants request that claims 23 to 51 be allowed.

C. Claim Rejections Under 35 U.S.C. § 112

On page 2, the Office Action rejected claims 1 to 51 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. However, the Office Action fails to establish a *prima facie* case that any of the claims are indefinite.

Claims 23, 25, 26, 31, 29, 41, 46 and 51 are amended to replace the word “if” with the word “when”.

In addition, on page 3, the Office Action further alleges that claims 1 to 51 are not positively recited because the claims contain the word “request”, which the Office Action considers to suggest “that there is a choice to perform the action being asked or not.”

How a received request is processed outside the framework of the claim language is irrelevant to the issue of definiteness. For example, independent claims 23 and 39 describe the act of “receiving... an attachment request”—a definite act. The fact that there are multiple different environments surrounding this act is irrelevant to the definiteness of the claim itself.

Therefore, the Office Action fails to establish a *prima facie* case that any of the claims are indefinite. For at least the above-cited reasons, claims 23 to 51 are allowable.

D. Claim Rejections Under U.S.C. § 101

On page 3, the Office Action rejected claims 1 to 51 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Office Action fails to establish a *prima facie* case that any of the claims are directed to non-statutory subject-matter.

Claims 23, 24, 26, 27, 31, 39 to 42, 44, 46, 48 and 50 are amended to more positively recite a “computing device”.

The Office Action further alleges, on page 3, that “user profile information” appears to be directed at non-functional descriptive material.

However, the mere existence of some non-functional descriptive language in a claim is not sufficient grounds for rejecting the entire claim . *See* MPEP § 2106.01. The Office Action must show that the entirety of the claim contains non-descriptive language, which is not the case for claims 28 and 51.

Therefore, the Office Action fails to establish a *prima facie* case that any of the claims are directed to non-statutory subject-matter. For at least the above cited reasons, claims 23 to 51 are allowable.

E. General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. However, Applicants do not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

F. Conclusion

In general, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at (857) 413-2056.

Respectfully submitted,

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